UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/693,321	10/19/2000	Mohamed M. Abdelaziz	5181-57700	8845

7590 04/14/2005	EXAMINER
Robert C. Kowert	SINGH, RACHNA
Conley, Rose & Tayon PC	
PO Box 398	ART UNIT / PAPER NUMBER
Austin, TX 78767-0398	2176

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action ***Before the Filing of an Appeal Brief***	Application No. *09/693,321*	Applicant(s) ABDELAZIZ ET AL.	
	Examiner Rachna Singh	Art Unit 2176	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>06 April 2005</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

     Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) a set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

     NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
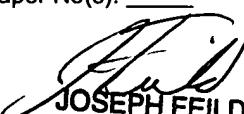
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See continuation.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.

13. ☐ Other: _____.

JOSEPH FEILD
SUPERVISORY PATENT EXAMINER

U.S. Patent and Trademark Office

PTOL-303 (Rev. 4-05)   **Advisory Action Before the Filing of an Appeal Brief**   Part of Paper No. 20050408

Applicant argues that Ballantyne does not teach or suggest accessing a presentation schema including information for presenting results data for clients, accessing results data for a client, and presenting the results data in accordance with the information from the presentation schema. Applicant argues that Ballantyne discloses a system and method for modifying program applications of a legacy computer system to directly output data in XML format. Examiner disagrees with Applicant with regards to the argument that Ballantyne does not teach accessing a presentation schema including information for presenting results data for clients. Ballantyne teaches a method for modifying program applications of a legacy computer system to directly output data in XML format models, maps the model to an XML schema and automatically modifies one ore more applications to output XML formatted data in cooperation with a writer engine and a context table. Ballantyne's system provides a transformation of output from legacy computer systems to an XML format. Specifically, a means for reporting data is provided in which a model of the program application is generated, the model is mapped to an XML schema, and based on the mapping, the application of the legacy computer system is automatically modified to output data into XML format. Ballantyne discloses a commercial application in which an Electronic Bill Presentment and payment are provide. Invoice data file are modified to be output in XML format. See column 17.

Applicant argues that the XML schema disclosed by Ballantyne is not used in the output of XML-formatted data generated by the legacy system, but instead is used in generating a specification for modification of the application to directly output XML data. Applicant's argument appears to distinguish outputting XML formatted data from a legacy system from generating a specification for modification using an XML schema to directly output XML data. Examiner cannot understand the position the Applicant is taking. Applicant is requested to clarify the argument. Ballantyne's system provides a transformation of output from legacy computer systems to an XML format. Specifically, a means for reporting data is provided in which a model of the program application is generated, the model is mapped to an XML schema, and based on the mapping, the application of the legacy computer system is automatically modified to outpu data into XML format. Ballantyne discloses a commercial application in which an Electronic Bill Presentment and payment are provide. Invoice data files are modified to be output in XML format. See column 17.

Applicant argues with respect to claim 42 that Ballantyne does not teach the limitations recited by claim 42. Specifically, Applicant argues that Ballantyne discloses a system for modifying program applications to directly output data in XML format; however, he does not teach a presentation schema advertisement or a service device configured to produce results data. Ballantyne teaches that the presentation schema advertisement can be stored in a storage device on the service device. See columns 17-18. Ballantyne teaches a storage device. See column 17-18. Ballantyne teaches that reports, billing statements, and other information can be formatted in XML can be archived and retrieved in a relational database. See column 17. Compare to "a service device configured to store a presentation schem advertisement on the storage device". Ballantyne further discloses presenting results data produced by the database on browser technology. See columns 17-18.

With respect to claim 11, which is dependent on claim 10, the grounds for the rejection has not changed rather the paragraph was mistakenly placed under the wrong heading